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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,255	07/18/2006	Brendan Edward Allman	20498-003US1	8363

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EXAMINER

DANG, HUNG XUAN

ART UNIT	PAPER NUMBER
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2873

NOTIFICATION DATE	DELIVERY MODE
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10/29/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No. 10/597,255	Applicant(s) ALLMAN ET AL.	
	Examiner HUNG X. DANG	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/18/06</u> . | 6) <input type="checkbox"/> Other: ____. |

Information Disclosure Statement

1. The prior art documents submitted by applicant in the Information disclosure Statements filed on 7/18/06 has been considered and made of record (noted attached copy of form PTO-1449).

Claims Rejection Under 35 USC - 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Kudryashov et al** (6,331,059).

Kudryashov et al discloses high resolution, multispectral wide field of view retinal imager comprises means for directing a beam of light through the optical system; detector means 53 for detecting the beam of light after the beam of light has passed through the optical system; and processing means 27 for receiving data from the detector and for processing the data to produce phase data relating to the wavefront of the beam of light emanating from the optical system to enable a transformation to be determined for transforming the data relating to the detected wavefront to a predetermined reference, and for applying the transformation to an image which has

passed through the optical system to remove aberrations or distortions introduced by the optical system (see at least figures 1, 3, 9 and the related disclosure.)

It should be noted that although claims 8-11 and 17 are "method claims", the method steps consist of the broad steps of "shining", "detecting", "producing", "determining" and "applying" etc and therefore these steps would be inherently satisfied by the apparatus of the reference as modified.

Claims Rejection Under 35 USC - 102

3. Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Ross et al** (WO 02/35995 In IDS filed on 7/18/06).

Ross et al discloses wave front measurement method and apparatus for accommodating a range of pupil diameter comprises means for directing a beam of light through the optical system; detector means 150 for detecting the beam of light after the beam of light has passed through the optical system; and processing means 152 for receiving data from the detector and for processing the data to produce phase data relating to the wavefront of the beam of light emanating from the optical system and for determining the amount of aberration or distortion of the lens system relative to reference phase data (see figure 4 and the related disclosure).

It should be noted that although claim 17 is "method claims", the method steps consist of the broad steps of "shining", "detecting", "producing", and "comparing" etc and therefore these steps would be inherently satisfied by the apparatus of the reference as modified.

Claims Rejection Under 35 USC - 102

4. Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Williams** (WO 98/27863 In IDS filed on 7/18/06).

Williams discloses apparatus for improving vision and resolution of retinal images comprises means for directing a beam of light through the optical system; detector means 145 for detecting the beam of light after the beam of light has passed through the optical system; and processing means 150 for receiving data from the detector and for processing the data to produce phase data relating to the wavefront of the beam of light emanating from the optical system and for determining the amount of aberration or distortion of the lens system relative to reference phase data (see figure 4 and the related disclosure).

It should be noted that although claim 17 is "method claims", the method steps consist of the broad steps of "shining", "detecting", "producing", and "comparing" etc and therefore these steps would be inherently satisfied by the apparatus of the reference as modified.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG X. DANG whose telephone number is (571)272-2326. The examiner can normally be reached on Monday to Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack, can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2873

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10/08

/Hung X Dang/

Primary Examiner, Art Unit 2873